

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYLVIA MINES,

Plaintiff,

- against -

THE CITY OF NEW YORK/DHS,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/2/2013

11 Civ. 7886 (JGK)

MEMORANDUM OPINION
AND ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the plaintiff, which it forwards to the parties.

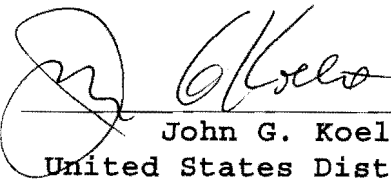
The plaintiff requests that the Court appoint her counsel. However, from the papers provided, the Court cannot determine whether the necessary showing for appointment of counsel has been met. The Court of Appeals for the Second Circuit has articulated factors that should guide the Court's discretion to appoint counsel to represent an indigent civil litigant under 28 U.S.C. § 1915. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). For the Court to order the appointment of counsel, the petitioner must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits. See id. at 60-61. Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to obtain

representation independently, and [her] ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). The plaintiff has not yet made such a showing. The plaintiff's application for the Court to appoint counsel is therefore **denied without prejudice** for failure to make the required showing at this time.

The plaintiff has also requested additional time to retain an attorney however, the plaintiff has already been granted one extension. By Order dated April 29, 2013, the Court extended the time for the plaintiff to submit additional materials in support of her opposition to the defendant's motion to **May 10, 2013**. Furthermore, the plaintiff has already submitted materials in opposition to the defendant's motion for summary judgment. The plaintiff's time to submit additional materials is extended to **May 24, 2013**. The defendant's time to reply is extended to **June 7, 2013**.

SO ORDERED.

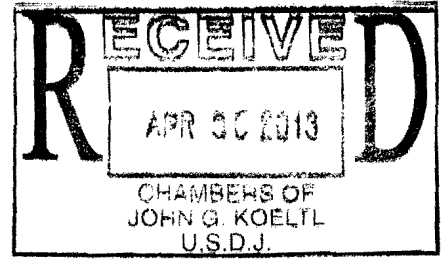
Dated: New York, New York
May 1, 2013



John G. Koeltl
United States District Judge

April 24, 2013

Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Mines v City of New York et al
11-cv-7886 (JGK) (KNF)

I, Sylvia Mines, respectfully requesting that you will appoint me a lawyer or give me time to get a lawyer because of my mental condition and my unskill in Law. I'm a little slow and it would take me more time to go to the law library to write the opposition of the Summary Judgment. I would most likely need a lawyer if this case go to trial.

Respectfully
Sylvia A. Mines